

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF MARCH 2018

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

O.P.No. 922 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of
S.R.Karuppannan - Deceased

1. S.K.Shanmugadevi,
W/o. S.R.Karuppannan,
No.26/E-16, 16th Cross Street,
Besant Nagar,
Chennai 600 090.

2. S.K.Kumar,
S/o. S.R.Karuppannan,
D-7, 81, Luz Church Road,
Mylapore,
Chennai 600 090.

..Petitioners

Vs

1. S.K.Geetha,
W/o. Hon'ble Mr.Justice.N.Kannadasan,
No.31, Gangai Street,
Kalashetra Colony,
Besant Nagar,
Chennai 600 090.

2. S.K.Uma,
W/o.S.L.Rajkumar,
No.6, Chettinad Enclave,
Phase-I, 3rd Cross Street,
Sunnambu Kolathur Road,
Pallikaranai,
Chennai 600 100.

...Respondents

Original petition praying that this Hon'ble Court be pleased to that, Letters of Administration with the Will may be granted to the petitioner herein infavour of the first petitioner regarding Schedule 'A' and infavour of the second petitioner regarding Schedule 'B' of the property mentioned in the Will, as wife and son/beneficiaries under the Will, to have effect throughout the State of Tamil Nadu

may be granted to them and limited the assets mentioned in the affidavit of assets.

This Original petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Sections 232, 258 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration.

2. In the petition, it is stated that the deceased S.R. Karuppannan died on 19.04.2015 at Sri Ramachandra Medical College and Research Institute, Ramachandra Nagar, Karambakkam, Chennai - 600 116 and permanently resided at No. 26/E-16, 16th Cross Street, Besant Nagar, Chennai 600 090. The writing hereto annexed and now shown to the petitioners and marked 'A' is his last Will and Testament of the deceased executed at No. 26/E-16, 16th Cross Street, Besant Nagar, Chennai 600 0090, on 12.12.2008 in the presence of witnesses whose names attested the foot thereof. No executor appointed under the Will.

3. The deceased died leaving behind his wife, one son and two daughters. The petitioners herein are the beneficiaries under the Will and there is no next kin or other persons to be impleaded as party.

4. The amount of the assets, which is likely to come to the hands of the petitioners do not exceed in the aggregate the sum of Rs.4,04,00,000/- and the net amount of the said assets after deducting all items which the petitioners are by law allowed to deduct is only of the value of Rs.4,04,00,000/-. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning his Will by paying his debts first and then the legacies therein

bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petitioners and also to render to this Court a true account of the said property within one year from the said date.

5. To the best of the petitioners' knowledge, no application has been made to any District Court or to any other High Court for probate of the any Will of the deceased or for any Letters of Administration with or without the Will annexed to his property and credits.

6. The second petitioner examined himself as P.W.1 and has also filed proof affidavit in support his claim and he had narrated the averments made in the petition stating that the petitioners has filed this petition for grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased on 12.12.2008. The second petitioner marked Exs.P-1 to P-9 which are as follows:-

Ex.P1 is the computer generated death certificate of my father S.R.Karuppannan, who died on 19.04.2015;

Ex.P2 is the original Will executed by my father S.R.Karuppannan on 12.12.2008 registered as Doc. No. 119/2008 at SRO, Adyar;

Ex.P3 is the photocopy of legal heirship certificate dated 14.05.2015 in respect of my father S.R.Karuppannan issued by Tahsildar, Velacherry Taluk;

Ex.P4 is the photocopy of sale deed dated 31.12.1985 between the Tamil Nadu Housing Board in favour of my father

S.R.Karuppannan, registered as Doc.No.80/1986 at District Registrar, Madras-South;

Ex.P5 is the photocopy of property tax receipt dated 31.07.2017;

Ex.P6 is the consent affidavit given by the first respondent herein stating that she has no objection in grant of Letters of Administration in respect of the petitioners herein;

Ex.P7 is the consent affidavit given by the second respondent herein stating that she has no objection in grant of Letters of Administration in respect of the petitioners herein;

Ex.P8 is the affidavit of assets showing the net value of estate as Rs.4,04,00,000/-;

Ex.P9 (series 2 nos.) are the copies of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 03.01.2018 and one issue of English Daily "Trinity Mirror" dated 10.01.2018.

7. One of the witnesses of the Will dated 12.12.2008 viz., Mr.S.Muthiah was examined as P.W.2. In his evidence, P.W.2 has stated that the Testator is the father-in-law of Justice N.Kanandasan, who is his friend. The Testator executed his last Will and Testament on 12.12.2008 in his presence and in the presence of one Mr.J.Sornam. He subscribed his signature as the first attesting witness along with Mr.J.Sornam, who attested the Will as the second attesting witness in the presence of Testator. He saw the Testator signing in all the pages of the Will. The testator was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will. He

